

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA

IN THE MATTER OF THE SEARCH OF
INFORMATION ASSOCIATED WITH THE
GOOGLE ACCOUNT
CRAWDOGG17@GMAIL.COM THAT IS
STORED AT PREMISES CONTROLLED
BY GOOGLE

Case No. 4:23mj1

Filed Under Seal

**AFFIDAVIT IN SUPPORT OF
AN APPLICATION FOR A SEARCH WARRANT**

I, Drew Effing, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I make this affidavit in support of an application for a search warrant for information associated with a certain account that is stored at premises owned, maintained, controlled, or operated by Google LLC (“Google”), an electronic communications service and/or remote computing service provider headquartered at 1600 Amphitheater Parkway, Mountain View, California. The information to be searched is described in the following paragraphs and in Attachment A. This affidavit is made in support of an application for a search warrant under 18 U.S.C. §§ 2703(a), 2703(b)(1)(A) and 2703(c)(1)(A) to require Google to disclose to the government copies of the information including the content of communications further described in Section I of Attachment B. Upon receipt of the information described in Section I of Attachment B, government-authorized persons will review that information to locate the items described in Section II of Attachment B.

2. I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and have been since March 2020. I am a graduate of the Federal Law Enforcement Training Center (FLETC) and the ATF Special Agent Basic Training (SABT)

Academy. I received specialized training concerning violations of the Gun Control Act within Title 18 and the National Firearms Act within Title 26, of the United States Code pursuant to firearms violations. I am a duly sworn agent who is authorized to carry firearms, execute warrants, and make arrests for offenses against the United States and to perform such other duties as authorized by law. As an ATF Special Agent, I am familiar with Federal criminal laws including narcotics offenses under Title 21 of the United States Code, and firearms offenses under Titles 18 and 26 of the United States Code. I have participated in the execution of multiple arrest and search warrants for criminal offenses involving the possession with the intent to distribute controlled substances, illegal possession of firearms, and firearms trafficking. I am familiar with the methods individuals use to conduct their illegal activities with regards to firearm trafficking, to include communication methods, vehicles, text messaging, and narcotics transactions.

3. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents, law enforcement and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

4. Based on the facts set forth in this affidavit, there is probable cause to believe that violations of Title 18, United States Code, Sections 922(j) and 922(u), pertaining to the theft of firearms and possession of stolen firearms have been committed. There is also probable cause to believe that the information described in Attachment B will constitute evidence of these criminal violations and will lead to the identification of the individuals who are engaged in the commission of these offenses.

JURISDICTION

5. This Court has jurisdiction to issue the requested warrant because it is “a court of competent jurisdiction” as defined by 18 U.S.C. § 2711. 18 U.S.C. §§ 2703(a), (b)(1)(A), & (c)(1)(A). Specifically, the Court is a district court of the United States that has jurisdiction over the offense being investigated. 18 U.S.C. § 2711(3)(A)(i).

PRESERVATION REQUEST

6. A preservation request was sent to Google on December 1, 2022 for crawdogg17@gmail.com.

STATEMENT OF PROBABLE CAUSE

7. The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) is conducting an ongoing criminal investigation regarding violations of Title 18, United States Code, Sections 922(j) and 922(u), arising out of a burglary at Rabbit Ridge Gun Shop.

The Rabbit Ridge Burglary

8. On September 22, 2022, at approximately 7:38 a.m., an employee of the Rabbit Ridge Gun Shop and Range (“Rabbit Ridge”), arrived at the gun shop, which is located at 1251 Rabbit Ridge Road, Ararat, Virginia, in the Western District of Virginia. Upon arrival, he discovered that the back door and security gate of the business had been broken open and that firearms had been removed from the business. Law enforcement was then notified of the burglary.

9. Rabbit Ridge is Federal Firearms Licensee (FFL). As an FFL, Rabbit Ridge is licensed by the Attorney General of the United States, pursuant to 18 U.S.C. § 923, to engage in the business of importing, manufacturing, and dealing in firearms.

10. In the course of the investigation, investigators obtained and reviewed

surveillance video footage from nearby businesses that had been recorded in the early morning hours of September 22, 2022.

11. Surveillance video from Smith Rowe Construction, located at 639 Old U.S. Highway 52 South, Mt. Airy, North Carolina, approximately 11 miles from Rabbit Ridge, shows a truck ("Vehicle 1") pulling up to a gate controlling the lot where the company vehicles are stored. The driver of this vehicle appears to enter the gate code, and the gate opens. Smith Rowe employees have the code to open this gate. Vehicle 1 then pulls into the back parking lot where a GMC Sierra bearing North Carolina registration ED1934, vehicle identification number (VIN) 1GT424C81DF137357 ("Vehicle 2") is parked. This vehicle belonged to Smith Rowe Construction Company. Vehicle 2 is seen on video leaving the Smith Rowe lot at approximately 2:38 a.m., and both Vehicles 1 and 2 are observed leaving the area of the construction company. The time stamp on the video recorder at Smith Rowe Construction shows the time to be approximately 5 minutes ahead of actual Eastern Standard Time (EST).

12. Surveillance video from Rabbit Ridge shows two suspects at the back door of the store trying to open the door at approximately 3:17 a.m. Two minutes later, the suspects attach a chain to the back door and the other end to Vehicle 2. The suspects then drive Vehicle 2 forward, pulling the back door open. At approximately 3:20 a.m., surveillance video shows the suspects attaching the same chain to a security gate located inside the back door of Rabbit Ridge. The suspects again drive Vehicle 2 forward, damaging the gate inside the store, and allowing them entry into the premises.

13. The suspects then entered the retail area of the store and are seen on video

carrying away approximately fourteen firearms. They put the firearms in Vehicle 2 and drive away from Rabbit Ridge. The time stamp on the video surveillance from Rabbit Ridge is approximately 10 minutes behind actual Eastern Standard Time.

14. Vehicle 2 was later found at Mountain River Trucking, Inc., located at 207 Direct Lane, Mount Airy, North Carolina. Surveillance video from Mountain River Trucking shows two vehicles arriving on scene at approximately 2:58 a.m. The make and model of these vehicles cannot be determined from the video. At 3:00 a.m., one vehicle leaves the lot and the other remains in the lot. At 3:37 a.m., the second vehicle arrives back in the lot. At approximately 3:39 a.m., a vehicle leaves the lot. Patrick County Sheriff's Office later recovered Vehicle 2, the stolen pickup truck, from the area where the two vehicles captured on surveillance video had been observed.

15. Vehicle 2 was equipped with a global positioning system (GPS). GPS data for Vehicle 2 was provided by Smith Rowe Construction Company to investigators. Coordinates were plotted showing the movements of Vehicle 2 from approximately 2:30 a.m. to 3:50 a.m. EST. That data reveals that Vehicle 2 was:

- a. In the area of Smith Rowe Construction, 639 Old U.S. Highway, 52 South, Mount Airy, NC 27030 between approximately 2:30 a.m. and 2:50 a.m.
- b. In the area of Mountain River Trucking Inc., 207 Direct Lane, Mount Airy, NC 27030 between approximately 2:50 a.m. and 3:05 a.m.
- c. In the area of Rabbit Ridge, 1251 Rabbit Ridge Road, Ararat, VA 24053, between approximately 3:10 a.m. and 3:25 a.m.
- d. In the area of Mountain River Trucking Inc., 207 Direct Lane, Mount Airy, NC 27030 between approximately 3:35 a.m. and 3:50 a.m.

Geofence Location Data

16. Google geofence location data obtained by state investigators identified a Google account holder with a device that appears to have been collocated with Vehicle 2 at the time the vehicle was stolen from Smith Rowe Construction and continuing along the route to Mountain River Trucking Company (the target “Device”).

17. The identification number of this Google account holder is 010101BD56354D68C3E835A8E8E2268DE3E1961A4A49ADA194A565F12D8F27B03F24C7 D339D644. Further information obtained from Google reveals the phone number associated with this Google account is 864-219-0436 and the email address is crawdogg17@gmail.com. The IMEI associated with phone number 864-219-0436 is 359957731282743.¹

18. Investigators have learned through the course of the investigation that this phone number is serviced by TracFone. TracFone is a Mobile Virtual Network Operator (MVNO), which uses cellular network infrastructure from other companies, such as T-Mobile, to offer its services. Investigators have confirmed that T-Mobile provides the cellular network infrastructure for the Device.

19. The first data point listed in the geofence results shows the Device in front of the gate at Smith Rowe Construction at 0238.01 hours. At 0238.35 hours, data shows the Device inside of the gated lot. Vehicle 2’s GPS began to record data at 0248.16 hours, signaling Vehicle 2 had been turned on. At 0248.19 hours, geofence data shows the Device approximately 158.4 feet (.03 miles) from Vehicle 2’s GPS location. At 0250.00 hours and 0249.59 hours,

¹ Call detail records received from T-Mobile list the IMEI associated with phone number 864-219-0436 as 359957731282740. T-Mobile confirmed that this is the same device as the Device that is the subject of this warrant, notwithstanding the discrepancy in the last digit of the IMEI.

respectively, Vehicle 2's GPS and the geofence location data shows the Device and the GPS device approximately 52.8 feet (.01 miles) apart in the area of the Smith Rowe Construction gate.

20. At 0257.39 hours, the geofence data shows the Device in the area of Mountain River Trucking. Subsequent geofence data points show the Device enter the Mountain River Trucking property and follow the same path of Vehicle 2's GPS data points to a location in close proximity to where Vehicle 2 was ultimately parked and recovered by law enforcement the following day. Specifically, the geofence data shows the Device ping in the location of where Vehicle 2 was recovered from 0258.26 to 0342.24 hours. At approximately 0338.49 hours, Vehicle 2's GPS shows it arriving back at the gravel lot location. The last data point from Vehicle 2's GPS is at 0338.50 hours, signaling the ignition was then turned off.

21. While GPS data shows Vehicle 2 leaving the gravel lot at Mountain River Trucking Company and traveling to Rabbit Ridge just after 3:00 a.m., geofence data confirms the Device stayed in the area of Mountain River Trucking Company's gravel lot. During the time the Device remained stationary in the lot, Vehicle 2's GPS data shows Vehicle 2 traveling from Mountain River Trucking Company to Rabbit Ridge. The burglary took place while the Device remained in the gravel lot.

Google Account Information for crawdogg17@gmail.com

22. Information obtained from Google by Patrick County Sheriff's Office investigators reveals the account associated with Gmail address crawdogg17@gmail.com conducted internet searches related to Rabbit Ridge and various firearms.

23. Specifically, crawdogg17@gmail.com searched directions to Rabbit Ridge on September 22, 2022:

Directions to 1251 Rabbit Ridge Rd, Ararat, VA 24053 @36.569650,-80.567454

Current location

1251 Rabbit Ridge Rd, Ararat, VA 24053 @36.569650,-80.567454

Sep 22, 2022, 5:01:56 AM UTC (12:01:56 EST)

24. Crawdogg17@gmail.com also searched directions to a South Carolina address identified as "Home" on September 22, 2022:

Directions to 203 Fort St, Gaffney, SC 29341

Current location

Home (203 Fort St, Gaffney, SC 29341-1808, USA)

Sep 22, 2022, 8:03:33 AM UTC (3:03:33 AM EST)

Directions to 203 Fort St, Gaffney, SC 29341-1808, USA

Current location

Home (203 Fort St, Gaffney, SC 29341-1808, USA)

Sep 22, 2022, 8:03:37 AM UTC (3:03:37 AM EST)

Directions to 203 Fort Street, Gaffney, SC

Current location

Home (203 Fort St, Gaffney, SC 29341-1808, USA)

Sep 22, 2022, 9:16:28 PM UTC (4:16:28 PM EST)

25. On September 22, 2022, crawdogg17@gmail.com was used to conduct an internet search of three firearms, all of which were types of firearms stolen from Rabbit Ridge during the burglary. In addition, "rabbit ridge gun range" was searched just seconds prior to searching directions to that location. The following information obtained from Google shows the search history of crawdogg17@gmail.com using Chrome, Google's web browser:

Chrome

Visited rabbit ridge gun range - Google Search

Sep 22, 2022, 5:01:52 AM UTC (12:01 AM EST)

Products:

Chrome

Chrome

Visited fn 32 For Sale - Buy fn 32 Online at GunBroker.com

Sep 22, 2022, 11:51:45 PM UTC (6:51:45 PM EST)

Products:

Chrome

Chrome

Visited Navy Arms,Schofield, Dual Action Revolver, 44-40 - Curt's Gun Shop

Sep 22, 2022, 11:49:58 PM UTC (6:49:59 PM EST)

Products:

Chrome

Chrome

Visited 32 CAL PARAMOUNT | The Firearms Forum

Sep 22, 2022, 11:41:22 PM UTC (6:41:22 PM EST)

Products:

Chrome

26. Google information obtained by Patrick County Sheriff's Office investigators also

shows the following under internet "Search" information:

Search

Searched for fabrique nationale d'armes pistol for sale

Sep 22, 2022, 11:51:25 PM UTC (6:51:25 PM EST)

Search

Visited Navy Arms,Schofield, Dual Action Revolver, 44-40 - Curt's Gun Shop

Sep 22, 2022, 11:49:58 PM UTC (6:49:58 PM EST)

Search

Searched for Navy arms 4440 pistol price
Sep 22, 2022, 11:48:47 PM UTC (6:48:47 PM EST)

Search

Searched for Navy arms 4440 pistol
Sep 22, 2022, 11:47:28 PM UTC (6:47:28 EST)

Search

Searched for Navy arms 4440 pistol
Sep 22, 2022, 11:47:02 PM UTC (6:47:02 PM EST)

Search

Searched for Navy arms 4440
Sep 22, 2022, 11:46:46 PM UTC (6:46:46 PM EST)

Search

Searched for maybe arms 4440
Sep 22, 2022, 11:46:01 PM UTC (6:46:01 PM EST)

Search

Searched for Smith & Wesson 357 price
Sep 22, 2022, 11:45:40 PM UTC (6:45:40 PM EST)

Search

Searched for price of a Ruger 357
Sep 22, 2022, 11:44:20 PM UTC (6:44:20 PM EST)

Search

Searched for price of a 32 Caliber Paramount
Sep 22, 2022, 11:43:43 PM UTC (6:43:43 PM EST)

Search

Searched for price of a 32 Caliber Paramount
Sep 22, 2022, 11:42:06 PM UTC (6:42:06 PM EST)

Search

Visited 32 CAL PARAMOUNT | The Firearms Forum
Sep 22, 2022, 11:41:22 PM UTC (6:41:22 PM EST)

Search

Searched for Paramount 32 Caliber
Sep 22, 2022, 11:39:53 PM UTC (6:39:53 EST)

Search

Searched for Paramount 32 Caliber
Sep 22, 2022, 11:39:48 PM UTC (6:39:48 EST)

Search

Searched for 357 Smith & Wesson
Sep 22, 2022, 10:38:23 PM UTC (5:38:23 EST)

Search

Searched for 203 fort street gaffney sc
Sep 22, 2022, 8:03:30 AM UTC (3:03:30 AM EST)

Search

Searched for rabbit ridge gun range
Sep 22, 2022, 5:01:51 AM UTC (12:01:51 AM EST)

Search

Viewed Rabbit Ridge
Sep 22, 2022, 5:01:51 AM UTC (12:01:51 AM EST)

Seizure of the Cellular Device by Law Enforcement

27. On November 14, 2022, Cherokee County Sheriff's Office conducted a search warrant at 203 Fort Street, Gaffney, SC 29340 in connection with an unrelated narcotics investigation. During the execution of that search warrant, a cellular device was taken into police custody. The alleged owner of the device, Bradley Wayne McCraw, gave consent for the device

to be searched and provided law enforcement the password to the device. Cherokee County Sheriff's Office extracted all information from the device pursuant to a consent search.

28. The device, a Motorola Moto G Stylus, commonly referred to as an Android phone, is assigned phone number 864-219-0436 (the "Device").

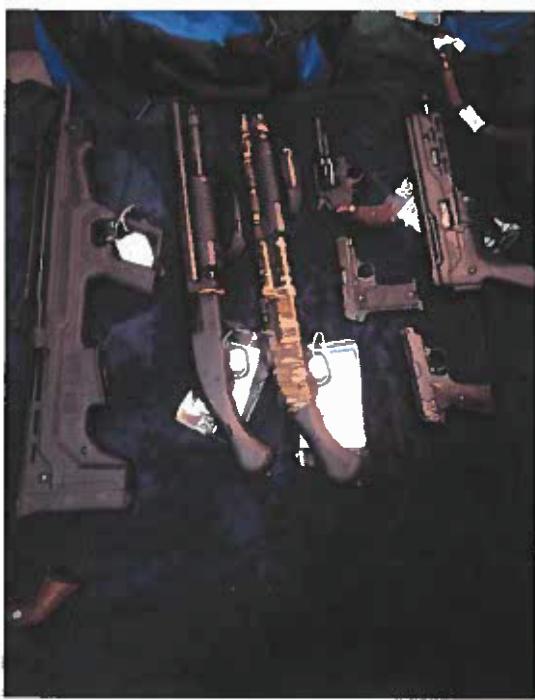
29. A federal search warrant for the Device was obtained and executed at the Cherokee County Sheriff's Office. Multiple photographs of firearms were found on the Device, including four photographs that appear to depict eleven of the fourteen firearms believed to have been stolen from Rabbit Ridge on September 22, 2022.

30. In three of these four photographs, the Rabbit Ridge emblem can be observed on tags attached to the firearms:

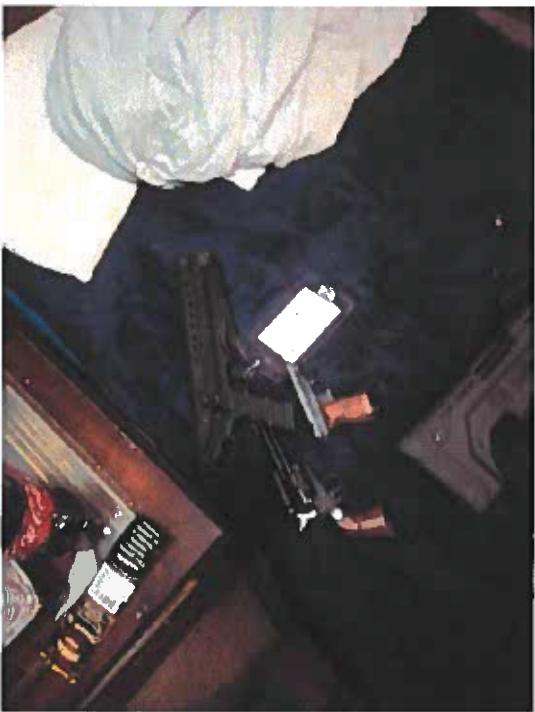
Photograph 1



Photograph 2



Photograph 3



Photograph 4



31. Based on information obtained from Rabbit Ridge about the firearms that were reported stolen, the following firearms are believed to be the firearms depicted in Photographs 1 through 4:

- a. Garaysar, model MKA1923 Bullpup, 12 gauge semiautomatic shotgun, serial number G2001571 (Photographs 1, 2 and 3)
- b. Mossberg, model 590 Shockwave, 12 gauge firearm, serial number V1636327 (Photographs 1 and 2)
- c. Mossberg, model 590 Shockwave, 12 gauge firearm, serial number V0803528 (Photographs 1 and 2)
- d. Smith and Wesson, M&P model 10, .38 caliber revolver, serial number 870821 (Photographs 1 and 2)
- e. Paramount, model 1915, .32 caliber pistol, serial number H2990 (Photographs 1 and 2)

- f. Sauer and Sohn, model 38H, .32 caliber pistol, serial number 374194
(Photographs 1 and 2)
- g. Diamondback, model DBX57, 5.7x28 millimeter pistol, serial number DBX3684
(Photographs 1 and 2)
- h. Kel-Tec, model P50, 5.7x28 millimeter pistol, serial number AAC493
(Photograph 3)
- i. CZ/CZ-USA, model 1924, .380 caliber pistol, serial number 101746 (Photograph 3)
- j. Ruger, model Blackhawk, .357 magnum caliber revolver, serial number 3226547
(Photographs 2 and 3)
- k. Schofield, model 1875, 44-40 caliber revolver, serial number 988 (Photograph 4)

BACKGROUND CONCERNING GOOGLE²

32. Google is a United States company that offers to the public through its Google Accounts a variety of online services, including email, cloud storage, digital payments, and productivity applications, which can be accessed through a web browser or mobile applications. Google also offers to anyone, whether or not they have a Google Account, a free web browser called Google Chrome, a free search engine called Google Search, a free video streaming site called YouTube, a free mapping service called Google Maps, and a free traffic tracking service

² The information in this section is based on information published by Google on its public websites, including, but not limited to, the following webpages: the “Google legal policy and products” page available to registered law enforcement at lens.google.com; product pages on support.google.com; or product pages on about.google.com.

called Waze. Many of these free services offer additional functionality if the user signs into their Google Account.

33. In addition, Google offers an operating system (“OS”) for mobile devices, including cellular phones, known as Android. Google also sells devices, including laptops, mobile phones, tablets, smart speakers, security cameras, and wireless routers. Users of Android and Google devices are prompted to connect their device to a Google Account when they first turn on the device, and a Google Account is required for certain functionalities on these devices.

34. Signing up for a Google Account automatically generates an email address at the domain gmail.com. That email address will be the log-in username for access to the Google Account.

35. Google advertises its services as “One Account. All of Google working for you.” Once logged into a Google Account, a user can connect to Google’s full suite of services offered to the general public, described in further detail below. In addition, Google keeps certain records indicating ownership and usage of the Google Account across services, described further after the description of services below.

36. Google provides email services (called Gmail) to Google Accounts through email addresses at gmail.com or enterprise email addresses hosted by Google. Gmail can be accessed through a web browser or a mobile application. Additional email addresses (“recovery,” “secondary,” “forwarding,” or “alternate” email addresses) can be associated with the Google Account by the user. Google preserves emails associated with a Google Account indefinitely, unless the user deletes them.

37. Google provides an address book for Google Accounts through Google

Contacts. Google Contacts stores contacts the user affirmatively adds to the address book, as well as contacts the user has interacted with in Google products. Google Contacts can store up to 25,000 contacts. Users can send messages to more than one contact at a time by manually creating a group within Google Contacts or communicate with an email distribution list called a Google Group. Users have the option to sync their Android mobile phone or device address book with their account so it is stored in Google Contacts. Google preserves contacts indefinitely, unless the user deletes them. Contacts can be accessed from the same browser window as other Google products like Gmail and Calendar.

38. Google provides an appointment book for Google Accounts through Google Calendar, which can be accessed through a browser or mobile application. Users can create events or RSVP to events created by others in Google Calendar. Google Calendar can be set to generate reminder emails or alarms about events or tasks, repeat events at specified intervals, track RSVPs, and auto-schedule appointments to complete periodic goals (like running three times a week). A single Google Account can set up multiple calendars. An entire calendar can be shared with other Google Accounts by the user or made public so anyone can access it. Users have the option to sync their mobile phone or device calendar so it is stored in Google Calendar. Google preserves appointments indefinitely, unless the user deletes them. Calendar can be accessed from the same browser window as other Google products like Gmail and Calendar.

39. Google provides several messaging services including Duo, Messages, Hangouts, Meet, and Chat. These services enable real-time text, voice, and/or video communications through browsers and mobile applications, and also allow users to send and receive text messages, videos, photos, locations, links, and contacts. Google may retain a user's messages if the user hasn't disabled that feature or deleted the messages, though other factors

may also impact retention. Google does not retain Duo voice calls, though it may retain video or voicemail messages.

40. Google Drive is a cloud storage service automatically created for each Google Account. Users can store an unlimited number of documents created by Google productivity applications like Google Docs (Google's word processor), Google Sheets (Google's spreadsheet program), Google Forms (Google's web form service), and Google Slides, (Google's presentation program). Users can also upload files to Google Drive, including photos, videos, PDFs, and text documents, until they hit the storage limit. Users can set up their personal computer or mobile phone to automatically back up files to their Google Drive Account. Each user gets 15 gigabytes of space for free on servers controlled by Google and may purchase more through a subscription plan called Google One. In addition, Google Drive allows users to share their stored files and documents with up to 100 people and grant those with access the ability to edit or comment. Google maintains a record of who made changes when to documents edited in Google productivity applications. Documents shared with a user are saved in their Google Drive in a folder called "Shared with me." Google preserves files stored in Google Drive indefinitely, unless the user deletes them. Android device users can also use Google Drive to backup certain data from their device. Android backups on Google Drive may include mobile application data, device settings, file downloads, and SMS messages. If a user subscribes to Google's cloud storage service, Google One, they can opt to backup all the data from their device to Google Drive. Google Keep is a cloud-based notetaking service that lets users take notes and share them with other Google users to view, edit, or comment. Google Keep notes are stored indefinitely, unless the user deletes them.

41. Google offers a cloud-based photo and video storage service called Google

Photos. Users can share or receive photos and videos with others. Google Photos can be trained to recognize individuals, places, and objects in photos and videos and automatically tag them for easy retrieval via a search bar. Users have the option to sync their mobile phone or device photos to Google Photos. Google preserves files stored in Google Photos indefinitely, unless the user deletes them.

42. Google offers a map service called Google Maps which can be searched for addresses or points of interest. Google Maps can provide users with turn-byturn directions from one location to another using a range of transportation options (driving, biking, walking, etc.) and real-time traffic updates. Users can share their real-time location with others through Google Maps by using the Location Sharing feature. And users can find and plan an itinerary using Google Trips. A Google Account is not required to use Google Maps, but if users log into their Google Account while using Google Maps, they can save locations to their account, keep a history of their Google Maps searches, and create personalized maps using Google My Maps. Google stores Maps data indefinitely, unless the user deletes it.

43. Google collects and retains data about the location at which Google Account services are accessed from any mobile device, as well as the periodic location of Android devices while they are in use. This location data can derive from a range of sources, including GPS data, Wi-Fi access points, cell-site locations, geolocation of IP addresses, sensor data, user searches, and Bluetooth beacons within range of the device. According to Google, this location data may be associated with the Google Account signed-in or registered to the device when Location Services are activated on the device and the user has enabled certain global settings for their Google Account, such as Location History or Web & App Activity tracking. The data retained may be both precision location data, like latitude and longitude coordinates derived from GPS,

and inferential location data, such as the inference that a Google Account is in New York because it conducts a series of searches about places to eat in New York and directions from one New York location to another. Precision location data is typically stored by Google in an account's Location History and is assigned a latitude-longitude coordinate with a meter radius margin of error. Inferential data is stored with an account's Web & App Activity. Google maintains these records indefinitely for accounts created before June 2020, unless the user deletes it or opts to automatically delete their Location History and Web & App Activity after three or eighteen months. Accounts created after June 2020 auto-delete Location History after eighteen months unless the user affirmatively changes the retention setting to indefinite retention or auto-deletion at three months.

44. A subsidiary of Google, Google Payment Corporation, provides Google Accounts an online payment service called Google Pay (previously Google Wallet), which stores credit cards, bank accounts, and gift cards for users and allows them to send or receive payments for both online and brick-and-mortar purchases, including any purchases of Google services. Users may delete some data associated with Google Pay transactions from their profile, but Google Payment Corporation retains some records for regulatory purposes.

45. Google offers a free web browser service called Google Chrome which facilitates access to the Internet. Chrome retains a record of a user's browsing history and allows users to save favorite sites as bookmarks for easy access. If a user is logged into their Google Account on Chrome and has the appropriate settings enabled, their browsing history, bookmarks, and other browser settings may be saved to their Google Account in a record called My Activity.

46. Google Accounts can buy electronic media, like books, movies, and music,

and mobile applications from the Google Play Store. Google Play records can include records of whether a particular application has been or is currently installed on a device. Users cannot delete records of Google Play transactions without deleting their entire Google Account.

47. Google offers a service called Google Voice through which a Google Account can be assigned a telephone number that can be used to make, record, and forward phone calls and send, receive, store, and forward SMS and MMS messages from a web browser, mobile phone, or landline. Google Voice also includes a voicemail service. Records are stored indefinitely, unless the user deletes them.

48. Google also offers a video platform called YouTube that offers Google Accounts the ability to upload videos and share them with others. Users can create a YouTube channel where they can upload videos, leave comments, and create playlists available to the public. Users can subscribe to the YouTube channels of others, search for videos, save favorite videos, like videos, share videos with others, and save videos to watch later. More than one user can share control of a YouTube channel. YouTube may keep track of a user's searches, likes, comments, and change history to posted videos. YouTube also may keep limited records of the IP addresses used to access particular videos posted on the service. Users can also opt into a setting to track their YouTube Watch History. For accounts created before June 2020, YouTube Watch History is stored indefinitely, unless the user manually deletes it or sets it to auto-delete after three or eighteen months. For accounts created after June 2020, YouTube Watch History is stored for three years, unless the user manually deletes it or sets it to auto-delete after three or eighteen months.

49. Google integrates its various services to make it easier for Google Accounts to access the full Google suite of services. For example, users accessing their Google Account

through their browser can toggle between Google Services via a toolbar displayed on the top of most Google service pages, including Gmail and Drive. Google Hangout, Meet, and Chat conversations pop up within the same browser window as Gmail. Attachments in Gmail are displayed with a button that allows the user to save the attachment directly to Google Drive. If someone shares a document with a Google Account user in Google Docs, the contact information for that individual will be saved in the user's Google Contacts. Google Voice voicemail transcripts and missed call notifications can be sent to a user's Gmail account. And if a user logs into their Google Account on the Chrome browser, their subsequent Chrome browser and Google Search activity is associated with that Google Account, depending on user settings.

50. When individuals register with Google for a Google Account, Google asks users to provide certain personal identifying information, including the user's full name, telephone number, birthday, and gender. If a user is paying for services, the user must also provide a physical address and means and source of payment.

51. Google typically retains and can provide certain transactional information about the creation and use of each account on its system. Google captures the date on which the account was created, the length of service, log-in times and durations, the types of services utilized by the Google Account, the status of the account (including whether the account is inactive or closed), the methods used to connect to the account (such as logging into the account via Google's website or using a mobile application), details about the devices used to access the account, and other log files that reflect usage of the account. In addition, Google keeps records of the Internet Protocol ("IP") addresses used to register the account and accept Google's terms of service, as well as the IP addresses associated with particular logins to the account. Because

every device that connects to the Internet must use an IP address, IP address information can help to identify which computers or other devices were used to access the Google Account.

52. Google maintains the communications, files, and associated records for each service used by a Google Account on servers under its control. Even after a user deletes a communication or file from their Google Account, it may continue to be available on Google's servers for a certain period of time.

53. In my training and experience, evidence of who was using a Google account and from where, and evidence related to criminal activity of the kind described above, may be found in the files and records described above. This evidence may establish the "who, what, why, when, where, and how" of the criminal conduct under investigation, thus enabling the United States to establish and prove each element or, alternatively, to exclude the innocent from further suspicion.

54. Based on my training and experience, messages, emails, voicemails, photos, videos, documents, and internet searches are often created and used in furtherance of criminal activity, including to communicate and facilitate the offenses under investigation. Thus, stored communications and files connected to a Google Account may provide direct evidence of the offenses under investigation.

55. In addition, the user's account activity, logs, stored electronic communications, and other data retained by Google can indicate who has used or controlled the account. This "user attribution" evidence is analogous to the search for "indicia of occupancy" while executing a search warrant at a residence. For example, subscriber information, email and messaging logs, documents, and photos and videos (and the data associated with the foregoing, such as geo-location, date and time may be evidence of who used or controlled the account at a relevant time.

As an example, because every device has unique hardware and software identifiers, and because every device that connects to the Internet must use an IP address, IP address and device identifier information can help to identify which computers or other devices were used to access the account. Such information also allows investigators to understand the geographic and chronological context of access, use, and events relating to the crime under investigation.

56. Account activity may also provide relevant insight into the account owner's state of mind as it relates to the offenses under investigation. For example, information on the account may indicate the owner's motive and intent to commit a crime (*e.g.*, information indicating a plan to commit a crime), or consciousness of guilt (*e.g.*, deleting account information in an effort to conceal evidence from law enforcement).

57. Other information connected to the use of a Google account may lead to the discovery of additional evidence. For example, the apps downloaded from the Google Play store may reveal services used in furtherance of the crimes under investigation or services used to communicate with co-conspirators. In addition, emails, instant messages, Internet activity, documents, and contact and calendar information can lead to the identification of co-conspirators and instrumentalities of the crimes under investigation.

58. Therefore, Google's servers are likely to contain stored electronic communications and information concerning subscribers and their use of Google services. In my training and experience, such information may constitute evidence of the crimes under investigation including information that can be used to identify the account's user or users.

CONCLUSION

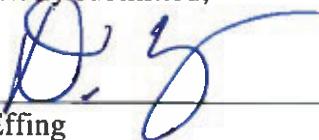
59. Based on the forgoing, I request that the Court issue the proposed search warrant.

60. Pursuant to 18 U.S.C. § 2703(g), the presence of a law enforcement officer is not required for the service or execution of this warrant. The government will execute this warrant by serving the warrant on Google. Because the warrant will be served on Google, who will then compile the requested records at a time convenient to it, reasonable cause exists to permit the execution of the requested warrant at any time in the day or night.

REQUEST FOR SEALING

61. I further request that the Court order that all papers in support of this application, including the affidavit and search warrant, be sealed until further order of the Court. These documents discuss an ongoing criminal investigation that is neither public nor known to all of the targets of the investigation. Accordingly, there is good cause to seal these documents because their premature disclosure may give targets an opportunity to flee/continue flight from prosecution, destroy or tamper with evidence, change patterns of behavior, notify confederates, or otherwise seriously jeopardize the investigation.

Respectfully submitted,



Drew Effing
Special Agent
Bureau of Alcohol, Tobacco, Firearms and
Explosives

Subscribed and sworn to before me on January 9, 2023



Honorable Robert S. Ballou
UNITED STATES MAGISTRATE JUDGE